



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 28, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Summary Vacation Of An Undeveloped Excess Pedestrian Easement Located Between 1615 And 1621 Grand Avenue

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Adopting an Order Summarily Vacating and Abandoning a Certain Public Pedestrian Access Easement Located Between 1615 and 1621 Grand Avenue, Respectively Santa Barbara County Assessor's Parcel Numbers APN 027-270-037 and APN 027-270-036, Within the Limits of Said City, and Approving the Termination of the Declaration of Access Easement Recorded as Instrument Number 2010-0052010 of Official Records, and Providing for the Recordation of This Resolution; and
- B. Acknowledge receipt of \$2,500 paid on behalf of Santa Barbara Cottage Hospital Foundation and Villa Riviera Real Estate Company, the owners of 1615 and 1621 Grand Avenue and, in response to their request dated February 2, 2011, authorize the \$5,001 application fee for summary vacation pursuant to Council Resolution No. 10-043 to be reduced by the amount of \$2,501.

DISCUSSION:

On September 14, 2010, Council approved Final Map No. 20,779 (Final Map) by Santa Barbara Cottage Hospital Foundation, which included Council's acceptance of a public pedestrian access easement (Pedestrian Easement) depicted on portions of Lot 1 and Lot 2 of said Final Map. On September 21, 2010, the Final Map was filed in Book 204 of Maps, at Pages 72 through 76, inclusive.

Lot 1 and Lot 2 of said Final Map are shown on Attachment 1. At this time, a substantial residential housing project is under construction on and adjacent to the lots shown on the Final Map. Presently, Santa Barbara Cottage Hospital Foundation still owns Lot 1 (1621 Grand Avenue; APN 027-270-036); and Villa Riviera Real Estate Company owns Lot 2 (1615 Grand Avenue; APN 027-270-037).

Council Agenda Report

Summary Vacation Of An Undeveloped Excess Pedestrian Easement Located Between 1615 And 1621 Grand Avenue

June 28, 2011

Page 2

As indicated on Attachment 2, the Pedestrian Easement was inadvertently and erroneously shown on the Final Map because the City did not require such easement on Lots 1 and 2 as part of the project approval (Council Resolution No. 06-103)

The Pedestrian Easement is not feasible for construction of a fully accessible public walkway due to its steep topography. It would not provide reasonable access to other public areas, and no walkway or public utilities are located within the Pedestrian Easement. Therefore, the owners have applied for its summary vacation by the City. The Pedestrian Easement depicted on Attachment 3 is considered "excess" to the City's needs and may be summarily vacated. The Environmental Analyst has determined that the summary vacation is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305 "Minor Alterations in Land Use Limitations." If adopted by Council, the resolution herein will summarily vacate the Pedestrian Easement.

Along with the recordation of the Final Map on September 21, 2010, a certain Declaration of Access Easement was also recorded as Instrument No. 2010-0052010 of Official Records, which provided for the planned construction, use, and maintenance of a walkway within the Pedestrian Easement by Santa Barbara Cottage Hospital Foundation and subsequent owners. If adopted by Council, the resolution will also authorize certain designated City staff to execute an appropriate document to terminate the Declaration of Access Easement recorded concurrently with the Final Map.

BUDGET/FINANCIAL INFORMATION:

The summary vacation by Council of the Pedestrian Easement will remove any potential for future City costs.

The owners have paid \$2,500 to initiate City review of the proposed summary vacation of the Pedestrian Easement, and have requested Council to reduce the \$5,001 application fee (Council Resolution 10-043) by waiving the unpaid amount of \$2,501. In this particular case, because of recent familiarity with the Final Map, onsite easements, and the ongoing project at the site, City staff have not expended significant amounts of resources to review the proposed summary vacation of the Pedestrian Easement. Therefore, it is recommended that Council approve the reduced application fee, and accept the amount of \$2,500 already paid.

ATTACHMENTS:

1. Assessor's Map 027-27
2. Letter dated February 2, 2011
3. Summary Vacation of 10' Wide Pedestrian Access Easement

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/DI/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

POR. SEC 15 T4N R27W SBB&M & POR. PUEBLO LANDS

027-27

Public Pedestrian
Access Easement

1" = 100'
SCALE

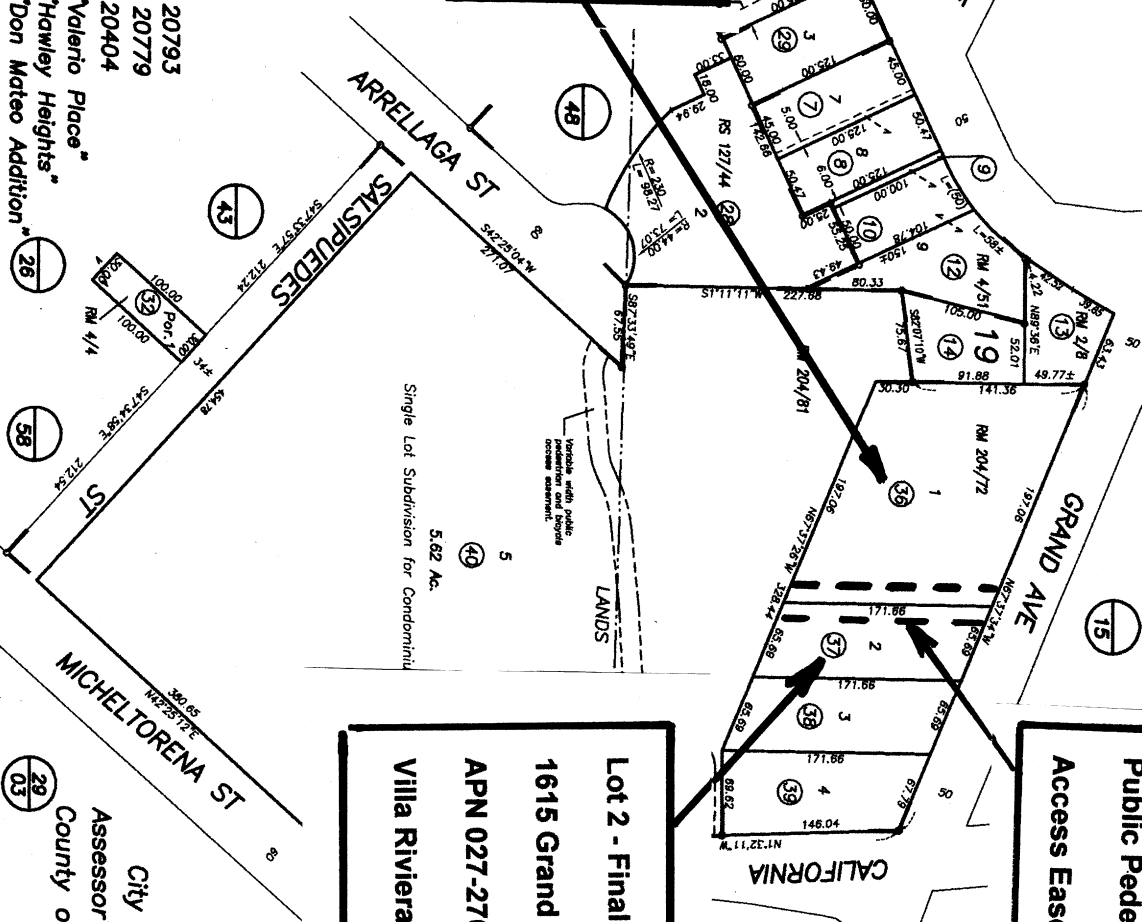


Lot 1 - Final Map 20,779
1621 Grand Avenue
APN 027-270-036
Santa Barbara Cottage Hospital Foundation

Lot 2 - Final Map 20,779
1615 Grand Avenue
APN 027-270-037
Villa Riviera Real Estate Company

NOTICE
Assessor's Parcels are for tax assessment
purpose only and do not indicate either
partial legality or a valid building etc.

- 10/20/2010 R.M. Bk. 204, Pg. 81-84, Tract 20793
- 9/21/2010 R.M. Bk. 204, Pg. 72-76, Tract 20779
- 12/20/1984 R.M. Bk. 127, Pg. 44-45, Tract 20404
- 6/27/1937 R.M. Bk. 4, Pg. 51, Tract "Valerio Place"
- 2/28/1906 R.M. Bk. 2, Pg. 8, Tract "Howley Heights"
- 2/14/1906 R.M. Bk. 4, Pg. 4, Tract "Don Mateo Addition"



City of Santa Barbara
Assessor's Map Bk, 027-Pg, 27
County of Santa Barbara, Calif.

(LD/11) 16 thru 18, 21, 23 & 24 into 28 th
Single Lot Sub. on 40

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OUR FILE NUMBER

22219.1

February 2, 2011

HAND DELIVERED

Mr. Don Irelan
Real Property Division
Department of Public Works
City of Santa Barbara,
630 Garden Street
Santa Barbara, CA 93101

Re: Master Application to Abandon Easement and terminate associated Declaration of
Access Easement; Villa Riviera Real Estate Co./ Cottage Hospital Foundation

Dear Don:

Attached is a Master Application we are filing on behalf of the owners of lots 1 and 2 of Tract 20, 779 to abandon a ten foot public pedestrian access easement located on the common boundary line between the lots and to terminate the associated Declaration of Access Easement. As we have discussed, the easement was mistakenly included on the tract map notwithstanding an earlier decision made by the City that the easement should not be required. The easement area is too steep to allow use of the area by handicap persons. Fortunately, the easement has never been open or otherwise improved for use by the public, and the easement area does not overlie any utility improvements.

Although I understand that the filing fee normally is \$5001, we have attached a check in the amount of \$2500 representing the filing fee. We are asking that the City approve the reduced fee for the reasons mentioned above (i.e. mutual mistake by the parties and no public use of the easement area).

Mr. Don Irelan
February 2, 2011
Page 2

We further ask that the application be processed by the City in an expedited manner, and to that end, if you have any questions or need further information concerning the above, please do not hesitate to call me.

Very truly yours,



Steven K. McGuire
for Price Postel & Parma LLP

SKM:lkh
Enclosures

cc: Mrs. Karen Jones
Mr. Doug Fell
Mr. Ron Biscaro

ARRELLAGA STREET

LOT 1

GRAND AVENUE

LOT 2

LOT 3

LOT 4

10' WIDE PEDESTRIAN ACCESS
EASEMENT PER FINAL MAP
20,779 RECORDED IN BOOK
204, PAGES 72-76 OF MAPS.

STREET

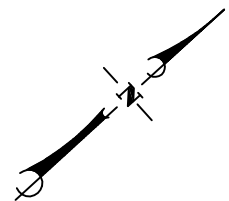
SALSIPUEDES

TRACT NO. 20,779

LOT 5

CALIFORNIA STREET

MICHELTORENA STREET



Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·

15623.02A

1/20/11

1"=100'

SUMMARY VACATION OF 10' WIDE PEDESTRIAN ACCESS EASEMENT